

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re: : Case No.: 19-22467-GLT
: Chapter: 13
Susan L. Schley :
: Date: 7/15/2020
Debtor(s). : Time: 11:00

PROCEEDING MEMO

MATTER: #20 - Continued Confirmation of Plan Dated 6/24/2019 (NFC)
#60 - Objection filed by Planet Home Lending LLC

#86 - Trustee's Oral Motion to Dismiss Case
[Response due 7/8/2020]
#89 - Response filed by Homewood Cemetery

APPEARANCES:

Trustee: Ronda J. Winnecour
Homewood Cemetery: David Michener

NOTES: (11:00)

Court: The trustee's notes from the conciliation indicated no payments since last November. I received a response from Homewood Cemetery but not from the debtor.

Winnecour: The petition was filed last June. The proposed plan payments were \$1,222. I have only received one payment.

Court: What are the current arrears?

Winnecour: Current arrears are \$8,556.

Court: Mr. Michener, you've indicated there is an obligation due the cemetery, you've asked the case not be dismissed so that a payment arrangement can be made with her?

Michener: We weren't aware of the terms of the dismissal. However if it were dismissed with a plan in place we could preserve her right to be buried next to her spouse.

Court: Right now Ms. Schley's case has been pending for over a year. She had a duty to make payment to the chapter 13 trustee and those payment would then be distributed to her creditors. I am not in a position to allow the case continue without payments. I'm inclined to dismiss this case and the bankruptcy will be terminated.

Michener: It's unfortunate. We do our best to work with families, but if she's unable to make a payment we have no other recourse than to cancel the transaction.

Court: For the reasons stated on the record, I will dismiss the case.

OUTCOME:

1. Continued Confirmation of Plan Dated 6/24/2019 (NFC) [Dkt. No. 20] is DENIED. [Text Order to Issue]
2. Trustee's Oral Motion to Dismiss Case [Dkt. No. 86] is GRANTED without prejudice. [DB to Issue]

DATED: 7/15/2020